

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

DAMIEN DOUGLAS,)	
)	
Petitioner,)	
)	
v.)	Nos. 1:01-CR-188-TRM-CHS-2
)	1:16-CV-281-TRM
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

Federal prisoner Damien Douglas (“Petitioner”) filed a motion for post-conviction relief pursuant to 28 U.S.C. § 2255 on December 3, 2008. (Doc. 212; E.D. Tenn. Case No. 1:08-cv-282-RAE.) This Court denied the same with prejudice on March 30, 2012. (Docs. 240, 241.) Petitioner recently submitted a second collateral challenge to the same criminal conviction. (Doc. 261.) His most recent petition seeks sentencing relief in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), in which the Supreme Court held that the residual provision of the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e), was unconstitutionally vague. (*Id.*)

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing (Doc. 261) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

ORDER ACCORDINGLY.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**